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OF THE HISTORICAL SOCIETY OF DELAWARE.

XXIII.

MEMOIR

OF

NATHANIEL B. SMITHERS

BY

WILLIAM T. SMITHERS.

Read before the Historical Society of Delaware, November 21, 1898.

THE HISTORICAL SOCIETY OF DELAWARE,
WILMINGTON.
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N. B. Smithers

PAPERS OF THE HISTORICAL SOCIETY OF DELAWARE.

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PREFACE.

In the preparation of this memoir I have necessarily been confined within a very narrow compass. While all about me lay a wealth of material, yet, from the very nature of my task, I have been obliged to use but a very small portion of it. I have, therefore, frequently found myself more embarrassed than if there had been a greater lack of it. The problem with me was what to use and what to reject. That I have chosen wisely, I do not pretend to say, but I have selected that which, in my judgment, seemed best suited to my purpose. I leave untouched a store of interesting anecdote, rich personal experience, and profitable instruction. I make little mention of the golden words that fell ever from his lips, many of which are treasured in my memory; nor of the sublime thoughts that came from his pen, much of which manuscript is in my possession. All this may find its place when, some day, the story of Nathaniel B. Smithers's life shall be more fully told.

W. T. S.

Dover, Delaware, August 17, 1898.

MEMOIR

OF

NATHANIEL B. SMITHERS.

Nathaniel Barratt Smithers was born in Dover, Delaware, October 8, 1818, in the house which is now the dwelling of Chancellor John R. Nicholson. His parents were Nathaniel Smithers and Susan Fisher Barratt. Of this marriage there were eight children born, all of whom died in infancy, except the subject of this memoir, and a younger brother, Edward F. Smithers, who became a prominent physician, and settled at Vienna, in Dorchester County, Maryland, where he died in 1862. His father, a gentleman of sterling integrity and dignified manners, held the offices of Prothonotary and Clerk of the Peace in Kent County. His grandfather, also named Nathaniel, was Register of Wills in Kent County. He was an influential and Christian gentleman, and, as one of the early Methodists, introduced Freeborn Garrettson. His paternal grandmother was Esther Beauchamp, whose brother, William Beauchamp, is distinguished in the annals of Western Methodism. His ancestors on his father's side, before the Revolution, came into the "Lower Counties on Delaware" from Kent County,

Maryland, into which colony they had emigrated from England.

His mother was the daughter of Dr. Elijah Barratt, of Camden, Delaware. She was a most estimable woman, whose nobility of character, gentleness of disposition, and grace of mind, endeared her to all who knew her. Dr. Barratt, his maternal grandfather, was a polished and courteous gentleman, and was of high repute as a physician. He was the son of Philip Barratt, who resided near Frederica, and owned the tract of land on which Barratt's Chapel was built, and in testimony of whose liberality it was named. In this chapel was the first meeting of Coke and Asbury, from which impetus was given to the advancement of Methodism. Andrew Barratt, another son of Philip Barratt, was one of the judges of the State, and a member of the convention which ordained the Constitution of 1792.

His maternal grandmother was Margaret, daughter of Edward Fisher and Susanna Bowman, and through her father lineally descended from John Fisher, who came from England with William Penn in 1682. He settled at Lewes, and his son Thomas married Margery Maud, daughter of Joshua Maud, of Yorkshire, England. They were of the persuasion of Friends, and many of their descendants still adhere to and exemplify its habits and principles.

Nathaniel B. Smithers was early sent to school in Dover, and his first teacher was one Ezra Scovell. His advancement in his books was marked and rapid from the start. He was both studious and quick to learn. At an age when few children have mastered the primer, he was dealing with the higher branches of education, and was fully launched

upon a life of systematic study, which he quietly and unobtrusively pursued to the end. At the age of five years we find him being instructed in Latin, and repeating passages from Virgil, when most children are prattling nursery rhymes.

It was about this time that the first cloud floated across the pathway of his life,—the death of his mother. Young as he was, he felt the loss keenly, and to his dying day he remembered the gloom that pervaded that household, and the grief that filled his heart on that evening in March, 1824, when death entered the home, and took away, in the thirtieth year of her age, his tender, devoted mother. In the course of time his father married again, the lady being Rachel E. Clayton, the daughter of Dr. James L. Clayton, to whom Nathaniel B. Smithers became very much attached, and who died at her home in Elkton, Maryland, only a few years prior to his own death.

When he was about eleven years old he removed with his father to Bohemia Manor, in Cecil County, Maryland, and soon afterwards was placed in West Nottingham Academy, then under the direction of Dr. James Magraw, an eminent Presbyterian minister. Here he made rapid progress, and in the spring of 1834, being but little more than fifteen years old, he was matriculated at Lafayette College, Easton, Pennsylvania, which had just been founded, under the presidency of the Rev. George Junkin, a learned and distinguished Presbyterian minister. Here his progress was so great that it was not long before one of the faculty of that institution publicly declared that he was no longer able to teach the young student any more Latin. From this

college he was graduated in 1836, at the age of seventeen years. School-life was now ended. Real life was beginning. He was standing at the threshold of something earnest and practical. He was obliged to make his own way in the world, and at once. In giving him an education his father had done all he was able to do for him. True, his father's house held out to him a cordial welcome, where he might rest a moment before entering upon a career, but such rest meant idleness, and that was out of the question; besides, it held out to him none of the allurements of home. He was almost a stranger to life at the Manor. All the tender memories of his heart clustered round the old home in Dover, and that was long ago broken up. Of real home-life, its influence and sweet impression, his childhood had known but little. From the age of eleven years he had lived within the walls of some institution of learning. He had gained greatly on the one hand; he had lost sorely on the other. I have heard him more than once speak with feeling on the subject. "I was absolutely robbed," he said, "of the fragrance of home. Home influence was sacrificed to school discipline; the glow of the fireside to the light of the student's lamp; heart training to mind training. It is a grave mistake." The summer of 1836, immediately following his graduation at Lafayette, we find him for a brief season at his father's house.

THE LAWYER.

He had now arrived at the point where he must choose a calling in life. During his college days he had thought the matter over seriously, and had gradually come up to

that epoch with the cherished design to enter the profession of the law. He had looked the field over,—surveyed it with that care and deliberation so characteristic of him. He fully realized how much depends upon a proper decision; that abilities, however splendid they may be, bear but dwarfed and tasteless fruit when misdirected and misapplied. He saw all round him men obscure in a profession who might have been prominent elsewhere; men unnoted in trade who might have adorned a profession. He could not afford to make that mistake, and to that end he reasoned calmly and earnestly with himself, but ever with the same result,—the law. Yet, in almost any calling to which his genius might have led him, he would have succeeded nobly. His fondness for letters would have won him fame as an author. His predilection for divine subjects and affairs, coupled with his matchless eloquence, would have made him powerful as a pulpit orator. His profound learning and his peculiar ability to impart knowledge would have brought him renown as a teacher. But any one of these would have been chosen with great personal sacrifice. He would not have found in them that scope which his abilities demanded, and which his own profession so amply afforded. That he chose wisely, his course has fully shown. Indeed, we can hardly think of Mr. Smithers outside the profession of the law.

Having fully determined as to the course he should pursue, he now informed his father of his purpose. This determination on the part of the youth gave the father no little concern. While he fully appreciated the ability and mental capacity of his son, yet, unless he were sure that the young man was adapted to the law, he was not willing that he

should enter upon the study of it. After seriously deliberating upon the subject, he wrote a letter to the president of Lafayette College, asking his advice as to whether in his judgment the young man had the ability to make a lawyer. To that letter he received the following reply:

"His talents appear to fit him for the profession you mention. He has quickness, ingenuity, taste, and vivacity. Acuteness, strength of conception, comprehensiveness of view, and accuracy of judgment he possesses as far as they are usually possessed by persons of his age and circumstances, and from his conduct here he may be expected to cultivate diligently his natural parts, and avail himself of whatever opportunities of improvement lie within his reach."

That determined the matter with the father, and soon afterwards Mr. Smithers entered the law school of Judge Reed, at Carlisle, Pennsylvania. By a rule of the court regulating the admission of attorneys, a student who was a college graduate was required to study only two years. Both on account of his age and because money was desirable, Mr. Smithers spent one year in teaching a classical school at Snow Hill, Maryland, after which he resumed his professional studies. In 1840 he was duly admitted to the bar of Cumberland County, Pennsylvania, and in the spring of 1841 was admitted to the bar of Kent County, Delaware.

The Delaware bar, always celebrated for its learning, was exceptionally strong at this time. The magnetic Clayton was still at the zenith of his power, although he had in a great measure given up the practice of law for public life. Bayard, Frame, Bates, Hall, Gilpin, and others, all legal giants, were in the full vigor of their intellectual powers.

The people of Kent were wont to look upon the bar of their county with a feeling akin to reverence,—a sort of charmed circle, into which it was little less than sacrilege for the average man to seek to enter. Few kindly hands were held out to young practitioners in those days; on the contrary, clients clung the more closely to their old and favorite counsel, and viewed with mild contempt the young attorneys who were struggling for recognition. But surrounded even by these conditions, and amid such a glittering array of talent, Mr. Smithers was not slow in gaining recognition as a lawyer. He soon took the conspicuous place in the front rank of his profession to which his ability entitled him. But clients came slowly. Indeed, judged by the practitioner of to-day, in his feverish chase after business, his nervous struggle in the maelstrom of intense competition, Mr. Smithers did little to secure clients. He opened a plain, poorly-furnished office, and sat down with his books. No flaming "shingle" informed the public that a lawyer inside desired a share of its patronage; nor in the whole course of his long practice did he ever own one. The little business that came to him in the first months of his practice, although fees were now very necessary to his comfort, came entirely unsolicited. He wrapped about him the garb of professional dignity, and neither the allurements of fortune nor the pinch of poverty could induce him to resort to the shirt-sleeves of trade.

But he did not long remain a briefless lawyer. So wise a counsellor and powerful an advocate could not long remain unrecognized. Such service as he was able to render was invaluable, and must needs meet a constant demand.

Business now began to pour in upon him. Clients came daily, and the profitable ones came to stay, until Mr. Smithers enjoyed one of the best practices at the Kent bar.

The time had now arrived when his means were such that he could think seriously about matrimony. From early youth his fondest admiration had been bestowed upon his pretty, vivacious cousin, Mary Lizzie, daughter of his uncle Joseph, which admiration, as youth ripened into manhood, changed into love for the accomplished, intelligent, and charming woman. He proposed for her hand, and was accepted by her; but the proposition did not meet with the unqualified favor of her father. Joseph Smithers was a strict and positive man, and his notion was that the young couple were too nearly related by blood to admit of a proper matrimonial alliance. His scruples, however, were finally overcome, and on the 22d day of March, 1853, Nathaniel B. Smithers and Mary Elizabeth Smithers were married at Dover, by the Rev. H. E. Gilroy. Of this marriage four children were born, two of whom died in infancy.

Soon after his marriage Mr. Smithers erected a large brick mansion in Dover, as a family residence, which, with its successive additions and improvements, is to-day one of the handsomest residences in the State, and is owned by George V. Massey, Esq. In this house he lived happily with his family for several years. Then there came another cloud to cast its shadow across his pathway,—the health of his wife began to fail. Consumption laid its pallid hand upon her, and she fell into a hopeless decline. Having now become a confirmed invalid, she grew tired of the large

house. She could not look after it properly, and things in and about it were being sadly neglected. She prevailed upon Mr. Smithers to dispose of it. He did so, and purchased the house on State Street, into which they moved, and where he resided the rest of his days. On the 21st day of February, 1867, she died, leaving him with two little children. These were sad days for Mr. Smithers. In referring to his life at that time, he once said to me, "No one knows what I went through. Many a time I have tried a case in court all day and nursed my poor wife all night." On another occasion, when speaking of his Congressional life, he said, "I knew no peace of mind. My wife was rapidly wasting away, and my place was by her side; yet duty compelled me to stay at my post. I do not know how I ever bore up under the burden."

Mr. Smithers was now the foremost man in his profession in the State. He possessed that quality of mind which attracts lawyers as well as clients. No great question seemed to be thoroughly settled in the minds of the legal fraternity until N. B. Smithers's opinion was obtained, and to that end he was constantly consulted by both bench and bar. The public had absolute confidence in him. It knew his opinion to be reliable, his advice sound, and his word as good as his bond. It knew, besides, that to employ him in a case was to have everything done for it that could be done, and clients who placed their interests in his hands never worried for fear they would be neglected or made to suffer.

The preparation of a case was, with him, an all-absorbing task. He studied it until he became the master of it in all

its details. He carefully weighed every point in his favor, and closely scrutinized every point against him. With patient deliberation and mental debate he properly adjusted the whole, and turned upon it the fierce light of his cold criticism. Thus equipped, he entered into the trial,—his case mastered in all its aspects, and robbed of all its surprises. On the eve of some very important case I have known him to walk the floor all night long, and I could usually tell at breakfast the result of his mental wrestling. He excelled in the statement of his case, and in his argument before the court. In addressing juries he was clear and forceful. No one could misunderstand him; no one fail to be impressed by his earnestness or resist the flow of his matchless eloquence, when the occasion called it forth. No one who ever observed him in the progress of a trial can ever wholly forget it. The intelligence of his countenance, the quickness of his eye, the vivacity of his whole manner, made a lasting impression. Nor was any lawyer more successful in winning cases. That was partly because he never knowingly took an unjust one. Men soon learned that it was useless to approach Mr. Smithers with a case that was tainted with fraud. On one occasion a man, who, by taking advantage of the law, was enabled to defraud his creditors, came to Mr. Smithers and offered him a good fee to take the case. Looking the man squarely in the face for a moment, he said, "My friend, don't do that."

"But the law is with me," said the man.

"The law may be with you in this instance," said Mr. Smithers, "but every principle of honesty and right is against you." The man sought other counsel.

In the course of time he began to reduce his practice, and to take only such cases as interested him, or which were forced upon him. He very rarely now appeared in court, confining himself almost wholly to his office practice. His means, while not large, were ample for his purpose, and he turned clients away whenever he could do so. Had he looked closely after the dollar he could have been a wealthy man, but he cared nothing for money beyond a competency. His fees were invariably far too small, and in many instances never paid at all. It was frequently said of him that the only thing he did not know about his profession was how to charge. Had he desired national prominence as a lawyer he had but to assert himself to attain it. A few years ago, during the progress of a great trial which attracted the attention of the whole country and in which he was one of counsel, a New York newspaper, in commenting upon the case, asked the question why a man possessed of such great legal ability as Mr. Smithers should bury himself in a little Delaware town. There was but one answer,—he preferred to.

He now turned his attention to literary pursuits, and in 1879 published the first volume of his translation of Latin Hymns. He was an excellent Latin scholar and richly endowed with the poetic faculty, and the publication of this work brought forth the unstinted praise of scholars and college professors throughout the country, not a few of them assuring him that his translation of Dies Iræ was the best ever made. While engaged in this work Bret Harte's poem, "The Heathen Chinee," appeared. The poem pleased Mr. Smithers, and he translated it into Latin.

When it was finished, he, in a waggish mood, sent it to the professor of Latin at a certain college, with a statement that it had been found amid some ancient ruins, and that evidently Bret Harte had simply translated it and was guilty of plagiarism. At the same time, a prominent member of the Kent bar was so impressed with the story that he wrote to the *New York Herald* calling Bret Harte a plagiarist, and offering to furnish the proof of the charge. The delusion was complete, and the affair created quite a sensation. The wise men decided that the Latin translation was the original poem. After he had enjoyed the joke long enough he wrote to them, acknowledging the authorship of the translation, much to their astonishment and chagrin. The following is the translation, with its explanatory note, and Bret Harte's poem, exactly as they appeared in Mr. Smithers's manuscript:

The following is from manuscript in Lib. Dubren, entitled "Frag. ex Operibus Icti Fabricii."

FABRICIUS, SELENIO SUO S.

Mihi videtur ad te scribere, non solum, pro saluti quod tibi esse censeo, gratias agere, sed etiam quosdam versiculos dare. Hoc est argumentum. Pompeii Nig. sub decessum ex Egypto, quidam barbarus, Calphurnio Pisone inductus, ad urbem venit et in domo Pisonis mansit. Ultima in parte Orientis natus est, in regione nobis incognita, nomine Sina. Vir, etsi incultus, tamen est vultus ingenui et, ut videtur, bonæ indolis. Propria in lingua appellatur Loo Sin et quanquam frequenter visus, mihi nomine tantum notus est.

Hesterno, mihi accidit Pisonem visere et apud illum prandere. Piso, ut mos est, pignora proposuit et cum chartis pictis certatur. Me, Divæ Fortunæ cultorem esse infrequentem scis, sed Calphurnium aleæ addictum. Barbarum esse ignorantum censemus. Quod cecidit, lege et ride. Vale.

(In Monte Palatino. Postridie Kalendas Sextas. A. U. C., 720.)

BARBARUS SINENSIS.

Quod narrare volo—
Et mi sermo simplex—
Ut vafer latro
Et doli artifex,
Est princeps Barbarus Sinensis,
Me teste—esto judex.

Ei nomen, Loo Sin—
Nec negandum, ei
Quod pertinet, quin
Patefactum mihi;
Sed mæste subridens et blande,
In vultu distat nomini.

Sext. Calendis, quod fit
Et permollis æther,
Ex quo licitum sit
Quod Loo Sin pariter;
Sed, ad nauseam, perlusit Pisonem
Et me, sicuti trifur.

Quod ludebamus quiddam—
Tulit partem Loo Sin—
Erat euchre—Quanquam
Inexpertus illin,
Subridens, in banco sedebat,
Ut solet ridere, Loo Sin.

Sed me pudet, ut chartas
Compositas clam;
Et videtur nefas,
Ut Piso, manicam
Anchoris et monis impleret,
Et id, perpetrare falsam.

**

Sed quas sortes luderet
Is incultus Sinæ,
Et quas partes faceret,
Mirum nobis esse;
Tum demum, protulit anchoram
Quam Piso dederat ad me.

Intuebar Pisonem—
Intuebatur in me—
Et assiliens—" An rem?"
Ex imo, inquit ille,
"Nulli sumus labore Sinense"
Et instanter invasit Sinæ.

Proximoque ludo
Non introibam;
Sed, ut foliis, omnino
Perstratam terram
Chartis, a Loo Sin celatis
In sortem, nunc primum notam.

In utramque manicam
Sunt biblia bissena—
Quod est magnum quiddam—
Atqui dico revera—
Et in digitos, pares candelis,
Quæ sæpe candelis—est cera.

Quod est cur enarro—
Et mi sermo simplex—
Ut vafer latro
Et doli artifex,
Est princeps Barbarus Sinensis,
Mehercle, in nullo mendax.

PLAIN LANGUAGE FROM TRUTHFUL JAMES.

BY BRET HARTE.

Which I wish to remark,—
And my language is plain,—
That for ways that are dark
And for tricks that are vain
The heathen Chinee is peculiar,
Which the same I would rise to explain.

Ah Sin was his name;
And I shall not deny
In regard to the same
What that name might imply;
But his smile it was pensive and childlike
As I frequent remarked to Bill Nye.

It was August the third;
And quite soft was the skies;
Which it might be inferred
That Ah Sin was likewise;
Yet he played it that day upon William
And me in a way I despise.

Which we had a small game,
And Ah Sin took a hand;
It was Euchre. The same
He did not understand;
But he smiled as he sat by the table,
With the smile that was childlike and bland.

Yet the cards they were stocked
In a way that I grieve,
And my feelings were shocked
At the state of Nye's sleeve,
Which was stuffed full of aces and bowers,
And the same with intent to deceive.

But the hands that were played
By that heathen Chinee,
And the points that he made
Were quite frightful to see,—
Till at last he put down a right bower,
Which the same Nye had dealt unto me.

Then I looked up at Nye,
And he gazed up at me;
And he rose with a sigh,
And he said, "Can this be?
We are ruined by Chinese cheap labor?"
And he went for the heathen Chinee.

In the scene that ensued
I did not take a hand,
But the floor it was strewed
Like the leaves on the strand
With the cards that Ah Sin had been hiding,
In the game "he did not understand."

In his sleeves, which were long,
He had twenty-four packs,—
Which was coming it strong,
Yet I state but the facts;
And we found on his nails which were taper,
What is frequent in tapers,—that's wax.

Which is why I remark,
And my language is plain,
That for ways that are dark,
And for tricks that are vain,
The heathen Chinee is peculiar,
Which the same I am free to maintain.

In early and middle life Mr. Smithers was a frequent visitor to Lafayette College, attending reunions, and making addresses to students. This college conferred the degree of

Doctor of Laws on him several years ago; and subsequently the same degree was conferred on him by Dickinson College.

I might dwell longer upon his professional life, so full of interest, and so profitable in its lesson, but this simple memoir is designed only as a sketch. I leave the more perfect picture to the future biographer. Let us now pass to a brief consideration of his public life.

POLITICAL LIFE.

The ancestors of Mr. Smithers were Federalists and Whigs. He cast his lot with the latter, and in 1844, three years after his return to the State, and when he was but twenty-six years of age, he was offered the Whig nomination for Congress, and declined it. In our frequent intercourse, I once asked him why the nomination was offered him at that time, and his reason for declining it. His reply was, "In 1844, in addition to the interest of a Presidential election, there was a close and exciting contest for the gubernatorial nomination. There were three gentlemen, whose names were prominently before the convention, and I was a warm friend of one of the defeated candidates. From prudential considerations, I presume, rather than from any merit of mine, friends of the nominee tendered me the nomination of Representative in Congress. I declined the offer because I had my living to make, and did not deem it wise to be diverted from my profession."

In 1845 he was elected clerk of the House of Representatives of the State Assembly, and was re-elected to the same position in 1847. In 1848 he was chosen a delegate to the

Whig National Convention, which met in Philadelphia, and, dissenting from his associates, voted for Scott and Fillmore. The State convention, which met the same year at Lewes, again tendered him the Congressional nomination, and he again declined the offer.

These years mark a transition period in the life of Nathaniel B. Smithers. The moral elements of his character were rapidly developing and forcing him to take his place among the radical political reformers of his time The anti-slavery agitation had already divided the country into two great parties. The Democratic party was fairly the party of slavery. The Whig party was going to pieces because its leaders were halting between righteousness and expediency,—admitting the wrong, they were too anxious for political power to jeopardize it by advocating the right. The great temperance reform movement of that era was at its height, and on both these questions Mr. Smithers had decided opinions, and the courage to advocate them. He was an anti-slavery man, and a prohibitionist.

Soon after the convention of 1848, a series of events occurred which placed him in a position apparently antagonistic to the party from which the tender of the Congressional nomination had twice come to him. At the session of the General Assembly of 1847 two measures were proposed, with both of which he was in entire accord. One, for the gradual abolition of slavery, which passed the House of Representatives, but was defeated in the Senate by the vote of the Speaker; the other, providing for submitting the question of granting licenses for the sale of intoxicating liquors to the decision of the voters of the several

counties, and which would now be termed a local option law. This bill became a law, and at all elections held throughout the State the county of New Castle voted for no license; the other two counties giving adverse majorities. This act was assailed in the courts, and Mr. Smithers assisted in its defence, but the Court of Errors and Appeals decided that it was a delegation of legislative power, and therefore unconstitutional. With this decision Mr. Smithers did not then, nor did he ever, concur. But it was made, and, as a lawyer, he loyally submitted to it.

At the next election, as usual, the Whig party was successful in electing a majority of the General Assembly. In utter abandonment of the cardinal principles of the Whig party, as Mr. Smithers had been taught them, its representatives not only determined not to further oppose these great questions, but so far retrograded from the action of the previous legislature as to enact a law which was, in effect, an invitation to the kidnapping of free negroes; and to contemptuously refuse to legislate laws in restriction of the sale of intoxicating liquors. This was too much for Mr. Smithers. The Whig party was dominant in the State, and the responsibility was thrown upon it. It shirked the responsibility, and repudiated its ancient doctrine. Mr. Smithers looked upon its now wavering policy with sorrow and disgust, and, with the determination to be true to his teachings, withdrew from the Whig party.

In conjunction with others, who were of like mind, a third party was organized, mainly drawn from the disgusted Whig element. Into this organization Mr. Smithers entered heartily. The first result was the defeat of the Whig party,

which had been in control for twenty years. The third party was maintained unbroken for three successive campaigns; meanwhile the Whig party of the nation was in a state of collapse, and upon its ruins arose the Know-Nothing organization. Into this association he declined to enter, as he deemed its methods incongruous with the proper ordering of American politics. He declared that no party could or ought to be permanent which would not bear the light of public observation, or the test of public discussion.

In 1854 this third or independent party was successful in carrying the State, and as one of the results, a prohibitory law, which was drafted by Mr. Smithers, was enacted. As before, it was subjected to a legal contest, and, as before, Mr. Smithers took part with its defenders. The court, at the May term, 1856, in New Castle County, adjudged it to be constitutional and valid. This was the year of the Presidential election, and the Democratic party prevailed in the State and nation. Of course, the law was repealed, but its legality had been vindicated, and still more, a lesson had been taught that it was not always safe to discard cherished principles and ancient traditions.

Great events were now hastening, which absorbed minor considerations. The struggle of 1860 was impending. The crisis in the anti-slavery contest was rapidly approaching. Men of all parties, whether influenced by calm judgment or led by inflamed passions, were taking a decided stand. There was but one place for Mr. Smithers. He unhesitatingly cast his lot with the Republican party, and was sent as a delegate to the Chicago Convention. As

chairman of the delegation, he cast the vote of Delaware first for Edward Bates, and afterwards for Lincoln, and was placed on the National Committee. As a member of that committee, he promised that there would be five hundred Republicans in Delaware at the ensuing election. After an open and unflinching canvass, this promise was redeemed by a vote of fifteen hundred, and it was particularly gratifying to him that relatively the largest gain was in Kent and Sussex Counties, because in 1856 almost all of the very small Republican vote was cast in New Castle County. Fidelity to principle had lost nothing in its appeal to the people.

At this election George P. Fisher, who had received the united support of the Bell and Lincoln votes, was elected as Representative to the national Congress. Soon after this campaign the supporters of Mr. Bell coalesced with the Republicans, and in 1862 William Cannon was elected governor. He had been a stanch Democrat, but in the perilous crisis through which the nation was passing had parted from his former associates. He offered Mr. Smithers the appointment of Secretary of State, and at his earnest solicitation, and with the assurance that the administration should be in perfect accord with the national government, he accepted the tender. Governor Cannon was true to his pledge. Although the Republicans had elected their governor, the Democrats had elected William Temple as Representative in Congress. He died before taking his seat. A special election became necessary, and in November, 1863, Mr. Smithers was elected to fill the vacancy caused

by the death of Mr. Temple, and in December took his seat as a member of the Thirty-eighth Congress.

In personal appearance he was at this time very striking. He was about five feet seven inches high and of rather slender build. His features were all good,—dark, deep-set, penetrating eyes, indicative of great kindness, great spirit, and great quickness of apprehension; an unusually high forehead; a mouth firm and expressive, upon the upper lip of which he wore a well-trimmed moustache. His step was slow, and his whole bearing dignified and reserved, giving to strangers the impression that he was cold and difficult of approach. But such was not the case. He was ever ready to receive with kindness all who came to him,—to give them a word of counsel, to listen to their troubles, and to render them pecuniary aid. Indeed, his kindness and generosity often caused him to be imposed upon.

He was now in the full strength of his physical and mental powers, and in the most trying time in the history of the nation, when it appeared as if Providence, in caring for the Union, had concentrated all the intellectual power and patriotic enthusiasm of the people in its legislative assembly, Mr. Smithers was apparently easily the equal of the best in the most notable of American Congresses. He was a member of the Committee on Elections and of the Special Committee on Reconstruction of the Union. These committees were very important ones, and exceptionally strongly constituted. In this latter committee he won a signal victory. The States of Louisiana and Arkansas sent delegates to Congress. It was well known that in very high quarters, for political considerations, there was a desire that they

should be admitted, and a majority of the committee reported in favor of seating them. Mr. Smithers opposed it, and succeeded in defeating them.

During this session of Congress the question of the relation of the seceded States to the national government was discussed, and Mr. Smithers was largely instrumental in directing the decision of the question. He held that while it was possible for the people of those States to dissolve and change their State government, they could not alter their relation to the nation. Its sovereignty over them was uninterrupted and unimpaired. A bill embodying this idea passed both Houses of Congress, but the President quietly pocketed it. This created bad feeling with a few of its advocates, and Messrs. Wade and Davis joined in a paper containing a somewhat acrimonious arraignment of the President. They submitted the paper to Mr. Smithers, but he refused to have anything to do with it.

On one occasion he had the good fortune to carry out the views of the administration in a matter which it deemed of vital consequence. The War Department, under Secretary Stanton, appealed to Congress for aid in securing recruits for the army. The provision of the conscription law allowing drafted men to pay a money consideration in lieu of military service was preventing the proper strengthening of the army. Several bills were proposed by the Military Committee of the House, but were rejected as impracticable. Walking towards the Capitol one day, in conversation with Judge Beaman, of Michigan, Mr. Smithers expressed his opinion as to why the several bills had failed, and ventured to say that he believed he could draft some-

thing which would be acceptable. When he reached his seat he hurriedly made his draft, and as the matter was pending offered it as an amendment. It was defeated at this time by a few votes, but the next day it passed. The dispatch with which it was drawn rendered it necessarily imperfect in its details, but the object was accomplished. After being put into shape, it became a law. The relief was immediate and effective, and Mr. Smithers was personally congratulated and warmly thanked by Secretary Stanton for his timely and efficient help.

In 1864 the national convention of the Republican party was held in Baltimore, and Mr. Smithers was chairman of the delegation from Delaware. Of course, his vote was cast for Lincoln, but for second place he voted for Daniel L. Dickinson. He was not willing to trust the possible fate of the nation in the hands of a man of such antecedents as Andrew Johnson. He knew too well the influence of educational prejudice to be deceived by the glamour of Southern loyalty at that time. But Johnson was nominated, and his subsequent career was a matter of no surprise to Mr. Smithers.

At the State convention held this year Mr. Smithers came forward again for the Congressional nomination. It was well known that there was some opposition to him in his party. This opposition grew entirely out of his action in Congress concerning the fugitive slave laws. A bill was introduced repealing these laws, and Mr. Smithers was the only Republican in the House who voted against it. He held that slavery was organic, and could only be abolished by constitutional amendment, and therefore considered the measure an idle farce, and devoid of all practical utility.

His action caused considerable comment, and was used against his renomination, but the attempt failed. He was renominated, and the action of the convention was hailed with delight by his friends both at home and abroad. His friends in Congress were eager for his return. To show the feeling which existed there I clip the following from a letter written to him October 15, 1864, by Justin S. Morrill, now United States Senator from Vermont, who was then a member of the House of Representatives:

"I see with pleasure that you are unanimously renominated, and now you must not be defeated. Our friend Davis, I fear, cannot be returned from his district. There are too many there that hate him, and his eccentric cutting loose from 'Old Abe' will mar his prospects. Still, he is a noble soul, and I hope his star cannot be blotted out, even in Baltimore. Our friends should bestir themselves to make sure of your election. We need all the genius, wisdom, and statesmanship we can group together to steer safely through the present stormy seas."

But he was not elected. The combined influence of the opposing party, negro equality, and the draft defeated him at the polls. I asked him, upon one occasion, if he did not feel his defeat very keenly at that time, when his services seemed so useful to the nation, and his own particular star was in the ascendency. His reply was, "I did not. I assure you that, as I assumed these responsibilities only in obedience to a sense of duty, I laid them down, however so pleasant the associations, without regret."

And, indeed, this is not to be wondered at, when we come to inquire into it. Grave personal considerations demanded his attention. He felt that his only place now was in the bosom of his family,—near the children that so needed his

care, and beside the invalid wife who was fast drifting out into the silent shadows that curtain the portals of eternity. So far did these things influence him that when, after his failure of re-election, Hon. Thomas A. Jenkins, of Rhode Island, invited him to a conference, and stated that he was deputed by Republicans, whose recommendations would have been potential, to inquire what position at home or abroad would gratify him, his reply was, "While my feelings are touched by this mark of regard, I must decline your proffer, for reasons of a personal and domestic nature."

This session ended Mr. Smithers's Congressional career. He retired from Congress, having made a marked impression upon that body, and having secured a national reputation as a patriotic and wise legislator.

In 1868 he was a delegate to the national convention that nominated General Grant for the Presidency, and here happened a little incident which illustrated the gathering after many days of bread cast upon the waters. John D. Deprees was Secretary of the National Committee, but as he was deeply interested in the nomination of his friend Colfax, Mr. Smithers volunteered to take charge of his department, in addition to his own State duties. Among the members of the committee was B. R. Cowan, of Ohio, and that State being in proximity to Chicago, his supply of tickets to the convention had become exhausted. In the mean time, one whom he felt under the highest obligation to serve, had come on with entire confidence in Cowan's capacity to do anything. Cowan hunted in vain for a pass, and in his emergency applied to Mr. Smithers, stating that his reputation was at stake, and imploring Mr. Smithers to

assist him, if only with a standing ticket. As Delaware had comparatively few visitors, Mr. Smithers was not only able to accommodate him, so far as the admission of his friend was concerned, but secured him one of the best seats in the building. Several years afterwards Mr. Smithers was in Washington, engaged in watching the interests of Colonel McComb, in the Credit Mobilier investigation, and Cowan was the Assistant Secretary of the Interior. It became exceedingly important to fix the date of a certain certificate. Inquiries had been made by both sides, and always with the same result,—the date was not satisfactory. Mr. Smithers was confident that there was a prior one, but how to get it was the trouble. He called upon Cowan, and was assured that a thorough search should be instituted; that every paper in relation to the matter should be overhauled. This was done, and the next day the desired date was certified to him. He always thought that the courtesy shown to Cowan at Chicago had its influence in inducing a more exhaustive examination than would otherwise have been made by the clerk.

Mr. Smithers's first experience in Washington was somewhat out of the common order. It will be remembered that at the meeting of the Thirty-eighth Congress a number of motions were made before organization to add representatives to the roll of the House. It came about in this way: By law, the clerk of the House is required to make up the roll from the certificates received by him, and this roll, so made, is *prima facie* evidence of those entitled to organize. Emerson Etheridge had been clerk of the House in the preceding Congress. He was a thorough Unionist, and of

unquestioned reputation for integrity, but it became whispered about in certain quarters that he desired to be continued, and to this end he was willing to construct the roll in such a manner as to give the Democratic party the ascendency in the matter of Speaker, in return for which he was to secure the clerkship. Independently of the injustice of attributing such treachery to an honorable man, the futility of the proceeding should have been sufficient proof of its falsity. But in the excitement of those days men did not reason with calmness. The suggestion was made, and even among members was to some extent accepted. Of course, speculation was rife, and anxious consultations were held. Naturally, these rumors caused Mr. Smithers no little anxiety with regard to his own credentials. He therefore determined to call upon Mr. Etheridge in relation to them. Being a comparative stranger, he was accompanied by a friend to the lodgings of Mr. Etheridge, whom he found in an animated and not very amicable conversation with two members-elect from Connecticut. He presented to him his credentials, and inquired of him if they were correct. Mr. Etheridge looked over the paper, and replied that it was entirely satisfactory, and added that it was one of the few that strictly conformed to the law. Relieved by this assurance, Mr. Smithers inquired whether he would give him the names that he felt compelled to exclude. Etheridge unhesitatingly wrote down the list of those whose certificates were informal, and handed it to him, and upon asking whether he might be permitted to retain it, Etheridge replied that he most certainly could; that he had nothing to conceal; that he was only doing his duty as he understood it, and that

any one could have had the same information by asking for it.

With that paper Mr. Smithers went to the room of Colfax, where a large number of Republicans were assembled in somewhat excited colloquy over the situation. He showed them the list, some of them doubted its genuineness, but Colfax and others assured them that it was in the handwriting of Etheridge, and the bubble burst. The wonder was how he had managed to obtain the evidence. There was no mystery. He had simply assumed Mr. Etheridge to be honest, and treated him as a gentleman. After careful counting, it was found that there was still a sufficient Republican majority, and a number of gentlemen were designated who, the next day, should consecutively move, before organization, to add to the roll the omitted representative. This was done, and the House organized.

In 1880, Mr. Smithers was again chairman of the State delegation to the National Republican Convention, and cast the vote of Delaware for James G. Blaine. His admiration for Blaine's ability was unbounded, and, furthermore, they were warm personal friends,—a friendship which was formed in Congress and which lasted through life. In 1889, Mr. Smithers was prominent among the men mentioned for the United States senatorship, when ex-Senator Higgins was elected. His last public service was in the office in which he began his public career. He was appointed Secretary of State in January, 1895, by the late Governor Marvil, and retired from that office in the following April, upon the death of the governor.

HOME LIFE.

For fifteen years after the death of his wife Mr. Smithers remained a widower. He continued to reside in the State Street house with his family, which consisted of himself, his two children, and the housekeeper. His interest seemed to be centred solely in his children; and his only ambition to do well whatever came to him unsought and in the line of duty. There were no longings for a repetition of public life; no aspirations to break away from the quiet environment in which he was reposing. His home, his books, and his friends seemed to fill up his life so completely as to leave no room for outside ambitions or aspirations. So perfectly suited to his taste was his mode of life at this time that when his friend, the late Chief Justice Gilpin, implored him to remove to Wilmington, assuring him of a large and lucrative practice in his profession, he declined by saying that he preferred to remain where he was.

Let us not imagine that this condition was brought about by the approach of old age. Mr. Smithers was still in the prime of life,—strong, masterly, magnetic. He was the same Nathaniel B. Smithers who, for twenty years, had thrilled the people with his eloquence, and whom they had learned to look up to and to honor. Neither let it be thought that he had ceased to take any interest in public affairs. He was fully alive to all the questions of the day. With high ideals, clear insight, and sound judgment, he grappled with the social, political, and economic problems of his time, and solved them for himself. While his solution of them did not always coincide with the views of

others, yet when men could not understand why Nathaniel B. Smithers did as he did, they were always sure that he had weighed the matter well, and was acting upon conscientious judgment. In his word the people had the utmost confidence. They flocked to hear him on the hustings, and received his utterances in perfect faith. It was for this reason that the opposite party so feared his power, and invariably followed him around in a campaign for the purpose of building up that which he had torn down.

It often required both moral and physical courage, in no small degree, for him to advocate what he believed to be right, and to denounce what he considered to be wrong Of his moral courage I have spoken. Of his physical courage, the following incident will serve as an illustration: The campaign of 1860 was a hotly contested one. The Republican party in Delaware was regarded with the utmost contempt by its enemies, and its members subjected to the grossest criticism. During this campaign Mr. Smithers was exceedingly active in the Republican cause. Open-air meetings were held nightly, and he stumped the State from one end to the other. At one of these meetings a disturbance occurred. Indeed, it had been whispered about early in the evening, and it came to the ears of Mr. Smithers, that the enemies of the Republicans had determined to break up the meeting. When the hour for the meeting arrived the street was thronged with people. The meeting was organized, and Mr. Smithers was introduced to speak. As he stepped to the front of the platform he was greeted with a shower of stones and brickbats.

Some of those upon the platform, becoming alarmed, were in favor of retiring at once; others, incensed at the outrage, advocated a free fight. But Mr. Smithers, raising his hand with a commanding gesture, and in that clear, penetrating voice of his, said, "Gentlemen, you may proceed with your missiles; you cannot intimidate me. I came here to talk about Republicanism, and, unless you slay me, I shall do so." His words and manner had a magical effect, order was restored at once, and he delivered his speech unmolested.

In 1875 there came to him the keenest sorrow, perhaps, of his life,—the death of Sadie, his only daughter. She had been in failing health for some time, and he was much distressed about her, yet he was hardly prepared for her death, and the blow came upon him with terrible force. His life seemed bound up in this lovely daughter. Apart from the fatherly tenderness he felt for her, he adored her for her loftiness of character and lustre of mind. She, in turn, lavished upon him her admiration and affection. She placed him on a height far above all other mortals; amid a halo of goodness and grandeur, and her devotion, her idolatry never faltered. No two lives were ever in more perfect accord than these two. No two people ever understood one another better than did this father and daughter. Time was slow, indeed, in blunting the sharp edge of his grief occasioned by her death.

In 1882, Mr. Smithers was again married. His second wife was Mrs. Mary T. Smithers, *née* Mary Townsend, daughter of William Townsend, Esq., of Frederica. This marriage was an exceptionally happy one, and brought into

Mr. Smithers' somewhat gloomy and despondent life that light and cheer which it so needed. The old home-life was re-established, and a fresh interest in his surroundings awakened. There was a peacefulness, a tranquillity, about his life at this time that was indeed enviable. But it was destined to be disturbed by the same fell destroyer that had more than once before brought him sorrow. This time it was the death of his only son, Nathaniel B. Smithers, Jr., a very bright and promising young man of thirty years, a member of the bar of Kent County, and who left to survive him a wife and one child. The death of this son left Mr. Smithers childless, but in quiet submission to the will of Providence he bowed his head humbly and said, "It is all right."

He now, more seriously than ever, turned his thoughts towards religious matters. All his life he had been a student of theology, and was familiar with all the great religions of the world. He studied them as if determined to find out for himself the truth. Books of this description filled a large space in his library, while upon his office-table, within easy reach, lay the little Greek Bible, which had been his companion for years. A Methodist by birth and inclination, his name for many years had been upon the assessment list of that church, and he had been one of its heaviest contributors. He had attended its public service with regularity, and conformed strictly to its discipline, but had never formally entered into membership. One Sabbath morning, at the close of the sermon, he rose quietly from his seat in the congregation, walked down the aisle to the chancel-rail of the church, and, standing reverently at the altar of God, he, full of years and honors, testified to the truth of the gospel,

and in childlike simplicity offered his name to the church in testimony of his faith. "May I be permitted to speak?" he asked, and, lifting his eyes amid the deep solemnity of the scene, he said, "I am convinced that the way of my salvation is through Jesus Christ, the Saviour of the world."

During the last year of Mr. Smithers's life he became very infirm physically. So great was the inroad of disease upon him that he became a tottering old man, yet his mind remained ever firm and vigorous. But the end was fast approaching. It came almost with the coming of the new year. He died on Thursday, the 16th day of January, 1896, at about two o'clock in the morning, in the seventy-eighth year of his age. He had been seriously ill only a few days. On the Saturday preceding his death he had been transacting some business in the Orphans' Court, but, not feeling as well as usual, went home and to bed. On Sunday and Monday he felt better, but remained in bed. On Tuesday he grew worse, and during the day fell into a comatose state, from which he never recovered. The immediate cause of his death was Bright's disease, but the end came very quietly, and he passed away without any visible signs of suffering.

When such a man withdraws from among the living, and is seen no more among men, he does not die. To sublime characters there is no death. It is but the decay of a flower, the fading of a summer cloud, the fleeting of a sunbeam, so beautiful in their transition that they can never be forgotten. What Nathaniel B. Smithers accomplished no man can measure. His worth no man can fully estimate. The impress which he left upon the community, the State, the

nation, of which he was a part, will deepen with the flight of years, and for generations to come his name will be the synonym of all that is manly, wise, and good.

At a special meeting of the Directors of the First National Bank of Dover, of which he was president, among the resolutions adopted was the following:

"That the directors of said bank, in common with the many friends of the deceased, recognize the fact that in the death of Mr. Smithers the State has lost one of its foremost and ablest citizens, and this community one of its best and most useful members; that by reason of his splendid talents, remarkable intellectual force, and sterling integrity, he was a credit to his State and an honor to the community in which he lived so long. He was a man of strong convictions and fearless in their expression, but of kindly nature, and exceedingly generous and kind to those in need."

The bar of the State mourned his loss deeply, and gave expression to their feelings in fitting speeches and resolutions.

At a special meeting of the Board of Education of the Dover public schools, of which he was president, resolutions were adopted, from which I copy the following sentence:

"All classes and conditions of men will miss his aid and assistance in the various perplexities of life."

No greater truth than that was ever told; no grander eulogy ever written; no nobler epitaph could be graven on his tomb.

And now my grateful task is done. I lay this humble but heartfelt tribute at the foot of the mound where sleeps this scholar, statesman, patriot, as a slight token of my admiration and esteem.

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